

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

SCOTTSDALE INSURANCE COMPANY,)	
)	
)	Civil Action No.
Plaintiff and)	16-11435-FDS
Counter-Defendant,)	
)	
v.)	
)	
TIMOTHY BYRNE and)	
ROBERT BOLTON,)	
)	
Defendants and)	
Counter-Claimants.)	
)	

ORDER ON DEFENDANTS' MOTION FOR ATTORNEY'S FEES

SAYLOR, J.

On May 4, 2018, the Court entered judgment in favor of defendants in the amount of \$3,038,081.10. A corrected judgment was entered four days later, on May 8, 2018.

On May 9, 2018, defendants moved to recover \$34,337.50 in attorney's fees and \$1,317.13 in costs associated with this action, as permitted under Massachusetts law. *See Preferred Mut. Ins. Co. v. Gamache*, 426 Mass. 93, 98 (1997). Plaintiff filed a limited opposition on May 23, 2018, only noting that defendants had failed to provide supporting documentation for the fees requested. Defendants then filed a supplemental motion on May 25, 2018, attaching time sheets and billing statements. Plaintiff has not since filed an opposition.

On June 1, 2018, plaintiff filed a notice of appeal. However, this Court retained ancillary jurisdiction to adjudicate collateral matters, including attorney's fees. *See Law Offices of David Efron v. Matthews & Fullmer Law Firm*, 782 F.3d 46, 51 (1st Cir. 2015) ("Federal courts have

often exercised authority under the doctrine of ancillary jurisdiction to resolve fee disputes between parties and their attorneys that arise out of the underlying litigation.”); *accord In re Austrian and German Bank Holocaust Litig*, 317 F.3d 91, 97-98 (2d Cir. 2003) (“Whenever a district court has federal jurisdiction over a case, it retains ancillary jurisdiction after dismissal to adjudicate collateral matters such as attorney’s fees.”); 13 Wright & Miller, *Fed. Prac. & Proc.* § 3523.2 (3d ed.) (“One of the best-established uses of ancillary jurisdiction is over proceedings concerning costs and attorneys’ fees.”).

No opposition having since been filed, and good cause having been shown, defendants’ motion for attorney’s fees is GRANTED. The clerk will issue an amended judgment.

So Ordered.

Dated: June 29, 2018

/s/ F. Dennis Saylor
F. Dennis Saylor IV
United States District Judge